IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL CASE: 3:11cv368-RJC

JAMIE CLYBURN,)
Plaintiff,)
v.) ORDER
FNU PITTSMAN, et al.,)
Defendants.)
)

THIS MATTER comes before the Court on its own motion.

Plaintiff filed a *pro se* Complaint pursuant to 42 U.S.C. § 1983 on July 29, 2011. (Doc. No. 1). On August 5, 2011, the Clerk of Court entered an Order directing Plaintiff to provide a certified copy of his prison trust fund account statement for the six month period immediately preceding the filing of the Complaint. (Doc. No. 2). Plaintiff was advised that federal law requires a plaintiff in a civil action to pay a filing fee of \$ 350.00, and that a certified copy of his trust fund account statement was necessary for the Clerk of Court to determine his ability to pay the entire amount of the fee in one payment or whether to assess monthly payments pursuant to 28 U.S.C. § 1915. (<u>Id.</u>). Plaintiff was notified that failure to comply with the Order by August 25, 2011 would result in dismissal of his case. (<u>Id.</u>).

Rather than complying with the Order, Plaintiff wrote a letter to the Court stating that he did not have sufficient funds with which to pay the fee and requesting that the Court take the fee from whatever monetary damages he is awarded in his lawsuit. (Doc. No. 4). In order to avoid paying the full \$350.00 filing fee up front, a prisoner is *required by statute* to provide the district

court a certified copy of his prison trust fund account statement for the six month period immediately preceding the filing of his civil rights complaint. 28 U.S.C. § 1915(a)(2). Petitioner shall be given an extra fourteen (14) days to prove the requested document. Failure to comply will result in dismissal of his Complaint.

IT IS, THEREFORE, ORDERED that Plaintiff shall have fourteen (14) days from the entrance of this Order to file a certified copy of his prison trust fund account statement for the six month period immediately preceding the filing of his § 1983 Complaint (Doc. No. 1). Failure to comply with this Order shall result in dismissal of the Complaint.

SO ORDERED.

Signed: August 30, 2011

Robert J. Conrad, Jr.

Chief United States District Judge